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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/804,628 | 03/19/2004 | Benjamin Alan Askren | 2003-0665.02 | 7856 |
| 21972 | 7590 | 04/05/2006 | EXAMINER | |
| LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999 | | | JAGAN, MIRELLYS | |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 2859 |
| DATE MAILED: 04/05/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|----------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/804,628 | ASKREN ET AL. |
| | Examiner Mirellys Jagan | Art Unit 2859 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 and 9-26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9-17 and 23-26 is/are allowed.
- 6) Claim(s) 1-7 and 18-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-7 are objected to because of the following informalities:
In claim 1, it is not clear if the first and the second orientations claimed in the last three lines is referring to the same first and second orientations claimed in lines 7-9.

Claims 2-7 are objected to for being dependent on an objected base claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-7 and 18-22 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application Publication 2003/0068173 to Tanizaki et al [hereinafter Tanizaki].

Referring to claims 1-7, 18, and 19, Tanizaki discloses a device comprising:

a main body having an imaging device (1);

a plurality of developer members (6) mounted to the main body;

a subunit (48) connected to and movable relative to the main body and including a transport belt (47); and

a plurality of photoconductive members (8) mounted on the subunit; wherein the transport belt moves paper past each of the photoconductive members during image formation; the subunit is movable between a first orientation (open) in which each of the photoconductive members are spaced remotely from the plurality of development members, and a second orientation (image forming) in which each of the photoconductive members mounted to the subunit is positioned against one of the developer members to receive toner and an electrostatic latent image from the imaging device during image formation, each of the photoconductive members and each of the developer members being aligned relative to the main unit; the subunit is a 'door' pivotably mounted to the main body such that the photoconductive member moves relative to the imaging device when the subunit moves between the first and second orientations; each of the developer members is part of a developer unit also having a toner sump (30) for holding the toner and a doctor blade (32); each of the photoconductive members is part of a photoconductive unit having a charger (36) and a cleaner (37) for removing toner; each of the developer members is located within the main body by being supported in first, second, and third planes by biasing members (18); and the subunit and plurality of photoconductive members are moveable about a common point and remain in contact when moving between the first and second orientations (see figures 4 and 7-9).

Referring to claims 20-22, Tanizaki discloses a method comprising:
mounting a first unit having a developer member (6) within a main body;
mounting a second unit having a photoconductive member (8) on a subunit, the subunit including an exterior section (17) of the device;

moving the subunit with the photoconductive member about a common pivot point relative to the main body to a first orientation relative to an imaging device (1) with the photoconductive member spaced remotely from the developer member;

moving the subunit about the point relative to the main body to a second orientation with the photoconductive member remaining mounted to the subunit and receiving toner from the developer member; and

forming an image with the subunit in the second orientation;

wherein forces action on the first unit are developed with the subunit in the second orientation; and the second unit is completely mounted after a torque is applied to the photoconductive member.

Allowable Subject Matter

4. Claims 9-17 and 23-26 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or suggest the following in combination with the remaining limitations of the claim:

An image forming device comprising a transport belt mounted on the subunit to move media sheets past each of the plurality of photoconductive members during image formation, the belt and the photoconductive members remaining in contact with the transport belt when moving between the first and second orientations (see claim 9).

An image forming device wherein the subunit forms an exterior wall of the main body when the subunit is in the image formation orientation (see claim 14).

An image forming device comprising a transport belt mounted on the subunit, the photoconductive members remaining in contact with the transport belt during the open orientation (see claim 16).

A method of forming an image with an image forming device, wherein the subunit forms an exterior section of the device (see claim 23).

A method of forming an image with an image forming device, comprising connecting a photoconductive member with a transport belt on a subunit, wherein the second orientation is adjacent to the main body and forms a section of the exterior of the device (see claim 25).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments with respect to claims 1-7 and 9-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 571-272-2247. The examiner can normally be reached on Monday-Friday from 11AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
March 31, 2006



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800